IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3916 OF 2005

Mr. Rahul Dashrath Patil & Anr. ..Petitioners.

Versus

The C.K.P. Co-op.Bank Ltd. & Ors. ..Respondents.

Mr. Sandesh D.Patil for the Petitioners.

Mr. Sandesh Deshpande for Kisan D. Sukre for the Respondent No.1.

Mr. V.Mhaispurkar, AGP for the Respondent No.2

CORAM : S. A. BOBDE, J.

DATED : 16TH AUGUST, 2005.

P.C.:

1. Rule, returnable forthwith.

Learned counsel for the respondent waives service of rule for the respondents.

Heard by consent.

2. The learned counsel for the petitioners state that the petitioners' submission vide para -8 of the

appellate order that the petitioners have preferred objection by addressing a letter to the recovery officer but reply has not been received, is not correct. The only remedy, therefore, available to the petitioners is to apply before that Court before whom the said statement was made and argue the matter afresh on that basis.

3. On the petitioners furnishing an undertaking before the lower appellate court within a period of three days from today that they will not dispose of or create any third party interest in the property, there shall be no further coercive steps till the appellate court decides the matter.

4. Petition disposed of in the above terms.

DT.16.08.05 (S.A.BOBDE,J)

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